

April 8, 2019

Ben Rattray
Chief Executive Officer
Change.org, PBC

San Francisco, California, 94104-5401 EUA

Dear Mr. Rattray:

I am the President of Zachor Legal Institute, a non-profit legal foundation that is devoted to fighting anti-Semitism and defending constitutional rights. We have been informed that Change.org has engaged in a campaign to suppress and censor a petition posted on the Change.org site and have a number of concerns that we would like you to address.

The petition in question can be found at <http://chnng.it/pdsfD6kL8g> (the "Subject Petition") and is a call for the United States Government to investigate the infiltration of global anti-Semitic organizations in the United States Congress. This is the essence of citizen activism in pursuit of positive change and government accountability, the core of what Change.org was founded to promote.

After the Subject Petition was posted to Change.org, the following events occurred:

- The Subject Petition was flagged for including contested statements (an action which immediately tends to discredit the legitimacy of a petition). Change.org was contacted on March 25, 2019 to determine which statements were contested and supporting evidence for the statements was provided to Change.org on March 31, 2019. As of the date of this letter, the flag has not been removed from the Subject Petition.
- Access to the Subject Petition through Change.org user searches has been disabled, a fact that Change.org admitted to via email on April 3, 2019.
- The ability for Change.org users to comment on the Subject Petition, something that is enabled for virtually every other petition, has been blocked (again, a fact Change.org admitted to via email on April 3, 2019).
- Links to the Subject Petition do not appear when searched for by the Subject Petition's title on search engines (something that Change.org has not directly addressed, but it appears that Change.org may have suppressed search engine access to this particular petition).
- While most other petitions allow Change.org users to contribute to the petition sponsors after a petition is signed, this option has been disabled for the Subject Petition.
- Some Change.org users have reported that they are unable to sign the Subject Petition even after they are able to access it.

Change.org positions itself as "[t]he world's platform for change" and claims that "people everywhere are starting campaigns, mobilizing supporters, and working with decision makers to drive solutions". Among those who Change.org purports to have as users are government and business decision makers, the media and leading organizations.¹ Indeed, Change.org states that nearly 300,000,000 people worldwide have taken action through its platform and Change.org petitions have resulted in over 34,000 victories in approximately 200 countries.² By its

¹ www.change.org/about, accessed April 8, 2019.

² www.change.org/impact, accessed April 8, 2019.

own description, Change.org is a significant force in public debate and a key source of input on government policy. In many ways, Change.org has become a virtual public square.

Furthermore, Change.org is a Public Benefit Corporation, a designation that requires Change.org to abide by specific standards to achieve its stated benefit as set forth in its corporate charter. While Change.org has not included a copy of its corporate charter in an easily found link in its website, it indicates that as a result of Public Benefit Corporation status, “empowering people everywhere” is a legal part of its charter.³

Under its Terms of Service, Change.org clearly states that it makes “... no promises about the reliability of any source or the accuracy, usefulness, safety, or intellectual property rights of any user campaign or content, nor do we endorse any political candidates, campaigns, or petitions or support any views, opinions, endorsements, recommendations, or advice that may be posted by users” and further asserts that Change.org does not “... monitor or review petitions, fundraiser campaigns, or other content submitted by users, or evaluate them for compliance with foreign or domestic laws and regulations. You therefore use the Change.org and Change Politics services and rely on any content you find at your own risk.”⁴

While Change.org also has adopted community guidelines that allow it to remove content or restrict user accounts, the circumstances under which such actions can be taken are limited to the following: hate speech, violence, impersonation, violation of privacy, bullying, graphic content, harm to children, spam and illegal acts.⁵

Nothing in the Subject Petition has violated any of the community guidelines or terms of service. In fact, even though Change.org’s Terms of Service clearly state that Change.org doesn’t monitor petitions or support political positions, that is exactly what has happened when Change.org acted to flag, demonetize and shadowban the Subject Petition. Moreover, when the Subject Petition was challenged for accuracy, supporting documentation was provided and Change.org continued to apply the contested content flag to the Subject Petition. This clearly is at odds with Change.org’s Terms of Service and community guidelines.

The negative effects of Change.org’s wrongful treatment of the Subject Petition have damaged the sponsor of the Subject Petition and have materially and adversely affected the Subject Petition.

The sponsor of the Subject Petition has been denied financial support that other Change.org petitions may receive and the number of signatories for the Subject Petition has been artificially limited by Change.org’s capricious and, possibly, discriminatory, imposition of censure.

Change.org presents itself as, and is in fact, a public forum meant to facilitate the right of the people to petition the government for a redress of grievances. While the Constitution’s First Amendment does not generally apply to private parties acting as such, when such a party operates and controls public platforms used by the public for public benefit, that party becomes a quasi-state actor and can be held liable for First Amendment violations. The fact that Change.org is also a Public Benefit Corporation bolsters the need for Change.org to be free from discrimination and allow all viewpoints to be expressed without censure or other infringement.

We believe that the evidence set forth above demonstrates that Change.org has subjected the Subject Petition to a discriminatory campaign of demonetization, shadowbanning and censorship, in violation of Change.org’s own policies, governance standards for Public Benefit Corporations and applicable state and federal laws, including anti-discrimination principles of California and Delaware law, federal prohibitions on wire fraud⁶ and the First Amendment.

Because Change.org’s actions have already imposed significant and long-lasting harm on the campaign to promote and fund the Subject Petition, we ask that you take the following acts:

³ www.change.org/about/business-model, accessed April 8, 2019.

⁴ www.change.org/policies/terms-of-service#3, accessed April 8, 2019.

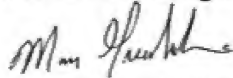
⁵ www.change.org/policies/petitions, accessed April 8, 2019.

⁶ We believe that by interfering with the sponsor of the Subject Petition’s fundraising campaign on Change.org, Change.org may be in violation of 18 U.S.C. §1343.

1. Provide us with information that will allow us to quantify the financial harm of lost donations as a result of Change.org's adverse actions taken against the Subject Petition (including, but not limited to, number of users who visited the Subject Petition from the time it was posted until the present day and the average donation received by similar petitions);
2. Provide complimentary Promoted Petition status for the Subject Petition to remediate the harm done to the Subject Petition;
3. Acknowledge that the actions taken against the Subject Petition were wrongful and issue a public statement to that effect;
4. Remove the flag from the Subject Petition;
5. Allow Change.org users to donate to the campaign for the Subject Petition;
6. Allow Change.org users to search for, comment on and sign the Subject Petition through the Change.org platform;
7. Terminate the activity that prevented outside search engines from having access to the Subject Petition; and
8. Provide us with a copy of Change.org's corporate charter and other documents that specify its purpose as a Public Benefit Corporation.

We reserve the right to take any and all legal action applicable the enforcement of the matters outlined in this letter and would appreciate acknowledgement of this letter within seven calendar days of receipt. Should you need additional information, please feel free to contact me at the email address above.

On behalf of Zachor Legal Institute,



Marc Greendorfer
President